

20.03.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (NDPS) 415 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Raninagar Police Station Case No. 48 of 2019 dated 21.01.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.31 of 2019)

And

In Re: ***Nijarul Sarder***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about four years and one month. It is further submitted there is inordinate delay in trial. It is also submitted inspite of direction given by this court in CRM (NDPS) 129 of 2022, only one witness has been examined till date.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Petitioner is in custody for more than four years. In February, 2022, a coordinate Bench of this court in CRM (NDPS) 129 of 2022 directed the trial to be concluded within eight months. Only one witness has been examined thereafter. This shows slow progress in the matter which has infringed the fundamental right to speedy trial of the petitioner. Bail prayer on this score is not fettered by restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely ***Nijarul Sardar***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Berhampore, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)